
(2012) 09 P&H CK 0108
In the Punjab And Haryana At Chandigarh
Case No : CRM No. M-6359 of 2012 (O and M)

Neha Sharma and Others	Vs	APPELLANT
State of Punjab and Another		RESPONDENT

Date of Decision : 13-09-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 34, 406, 506

Citation : (2012) 09 P&H CK 0108

Hon'ble Judges : Mehinder Singh Sullar, J

Bench : Single Bench

Advocate : Sandeep Arora, for the Appellant; Tejinder Singh Salana, D.A.G., Punjab, for the State and Nemo, for the Respondent

Judgement

Mehinder Singh Sullar, J.—The contour of the facts and material, culminating in the commencement, relevant for disposal of the instant petition and emanating from the record is that, in the wake of complaint of complainant-Komal Sharma, wife of Puran Parkash, respondent No. 2 (for brevity "the complainant"), a criminal case was registered against the petitioners-accused Neha Sharma and others, vide FIR No. 197 dated 15.09.2011(Annexure P-1), on accusation of having committed the offences punishable under Sections 406, 506 and 34 IPC, by the police of Police Station Navi Baradari, Jalandhar. During the course of investigation of the criminal case, good sense prevailed and the parties have amicably settled their disputes, by virtue of compromise-deed dated 31.10.2011(Annexure P-2).

2. Having compromised the matter, now the petitioners-accused have preferred the present petition, to quash the impugned FIR(Annexure P-1) and all other subsequent proceedings arising therefrom, invoking the provisions of Section 482 Cr.P.C., inter alia, pleading that they have entered into a compromise with the intervention of respectables, by way of compromise(Annexure P-2). Now, there is no any ill-will in their mind against each other. The complainant does not want to

take any kind of legal action against the petitioners-accused. The matter stands amicably settled, without any kind of pressure. On the strength of aforesaid grounds, the petitioners-accused sought to quash the impugned FIR(Annexure P-1) and all other subsequent proceedings arising therefrom, in the manner described hereinabove.

3. During the course of preliminary hearing, a Coordinate Bench of this Court (Rakesh Kumar Garg, J.) directed the Area Magistrate, to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise-deed(Annexure P-2) between them, vide order dated March 06, 2012.

4. In pursuance thereof, the Judicial Magistrate 1st Class, Jalandhar, has submitted his report bearing No. 60 dated 04.05.2012, which in substance is as under:-

Statement of accused Neha Sharma and Gagandeep Gaba and complainant Komal Sharma have been recorded. Complainant Komal Sharma has made a statement that present case has been registered on her statement and she has effected compromise with the accused persons and photocopy of the compromise deed is Exhibit PW1/A, which bears her signatures and compromise deed has been executed by her without any pressure with the accused persons and she has no objection if the FIR No. 197 dated 15.09.2011 u/s 406/506/34 IPC be cancelled. She has also produced the copy of her identity card issued by Election Commission of India as Exhibit PW1/B as proof of her identity.

Accused Neha Sharma, Gagandeep Gaba and Sahil Bajaj also given their separate statements that they have heard the statement of complainant, which is correct. They have effected a compromise Exhibit PW1/A with the complainant and all the disputes have been settled as per the compromise deed Exhibit PW1/A.

5. Meaning thereby, it stands proved on record that the parties have amicably settled their disputes by means of compromise-deed dated 31.10.2011 (Annexure P-2). The factum of compromise is also reiterated in the report of the Magistrate.

6. Above being the position on record, now the short and significant question, though important, that arises for determination in this petition is, as to whether the present criminal prosecution against the petitioners deserves to be quashed in view of the compromise or not?

7. Having regard to the contentions of the learned counsel for the parties, to my mind, it would be in the interest and justice would be sub-served, if the parties are allowed to compromise the matter. Moreover, learned counsel for the parties are ad idem that, in view of the settlement of disputes between the parties, the present petition deserves to be accepted in this context.

8. What cannot possibly be disputed here is that the law with regard to quashing

such criminal prosecution on the basis of settlement between the parties by virtue of compromise, has now been well-settled by the Hon"ble Supreme Court in cases Shiji @ Pappu and others Versus Radhika and another, 2012(1) RCR (Criminal) 9, Manoj Sharma v. State & Ors. 2008 (4) RCR (Criminal) 827; B.S. Joshi v. State of Haryana 2003 (2) RCR (Crl.) 888 (SC) and Full Bench of this Court in case Kulwinder Singh and others v. State of Punjab and another 2007 (3) RCR (Criminal) 1052, wherein it was ruled that the High Court has vast inherent power to quash the criminal prosecution on the basis of settlement of disputes between the parties.

9. The crux of the law laid down in the aforesaid judgments is that the power u/s 482 Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and everlasting congeniality in society and resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same, unless such compromise is abhorrent to lawful composition of the society or would promote savagery if the statement is fair being free from under pressure. Meaning thereby, the High Court has unlimited power to quash the criminal proceedings, relatable to such disputes, on the basis of lawful settlement within the framework and restriction described by the Hon"ble Supreme Court. The ratio of the law laid down in the aforesaid judgments "mutatis mutandis" is fully attracted to the facts of the present case and is the complete answer to the problem in hand.

10. As is evident from the record that, in the instant case, the parties have amicably settled their disputes with the intervention of respectables, by way of compromise-deed(Annexure P-2). Now, there is no any ill-will in their mind against each other. All the disputes between them have been settled. The complainant does not want to take any kind of legal action against the petitioners-accused. The matter stands amicably settled, without any kind of pressure. She has no objection if the criminal case registered against the petitioners-accused is quashed. The factum and genuineness of the compromise between the parties is also reiterated by the Judicial Magistrate 1st Class in his indicated report. Thus, it would be seen that since, the compromise is in the welfare and interest of the parties, so, there is no impediment in translating their wishes into reality and to quash the criminal prosecution to set the matter at rest, to enable them to live in peace and to enjoy the life and liberty in a dignified manner. Therefore, to me, the impugned FIR(Annexure P-1) and all other subsequent proceedings arising therefrom, deserve to be quashed in this relevant connection. In the light of aforesaid reasons, the instant petition is accepted. Consequently, the impugned FIR No. 197 dated 15.09.2011(Annexure P-1) and all other subsequent proceedings arising therefrom, are hereby quashed. The petitioners-accused are accordingly discharged from the indicated criminal case in the obtaining circumstances of the case.